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## BOARD OF APPEALS

Hearing # 15-09

**DECISION ON THE PETITION OF TIMOTHY AND MARIA  
MEMBRINO FOR A SPECIAL PERMIT TO INCREASE THE  
GROSS FLOOR AREA AT A RESIDENCE AT 19 HENLEY ROAD  
BY MORE THAN 15 PERCENT**

The Acton Board of Appeals (the "Board") held a duly noticed continuation of public hearing on June 1, 2015, with regard to the Petition of Timothy and Maria Membrino for a **Special Permit** under Section 8.1.5 of the Zoning By-Law to allow a 12' x 28' addition and a 14' x 24' screened porch to be built onto a home on a nonconforming lot at 19 Henley Road, increasing the "gross floor area" of the structure by more than 15%. Map B-4/Parcel 24.

Present at the hearing were Jonathan Wagner, Chairman; Richard Fallon, Board Member; Suzanne Buckmelter, Alternate Member; Board Secretary Cheryl Frazier; Roland Bartl, Town Planner; and Kristen Guichard, Town Planner. Also present were petitioners Timothy and Maria Membrino and their builder Peter Pelletier.

Chairman Wagner opened the meeting, and read the contents of the file into the record, which included new architectural plans, an interoffice memo from the Health Department, and an updated May 21, 2015 memo from Kristen Guichard, Town Planner. Chairman Wagner pointed out that at the last meeting there was a lack of detail to the plans. Updated plans were presented at this meeting, with more detail. The Board had some concerns about the amount and percentage of the increase in the gross floor area. Board Member Fallon asked about the percentage increase of actual living space, namely, the addition. The petitioner responded that there would be 336 square feet of space in the addition, and Town Planner Bartl stated that including only that living space as "gross floor area" would not

have triggered the requirement for the applicants to come before the Board.

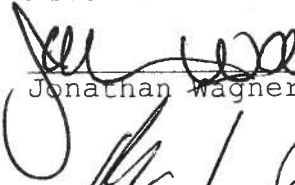
The Board voted to close the hearing.

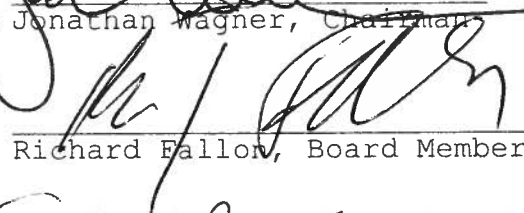
The Board, after specifically making the mandatory findings under Section 10.3.5 of the By-Law, and finding that the project would not be substantially more detrimental to the neighborhood than the existing structure on the nonconforming lot, voted unanimously, 3-0, to GRANT the SPECIAL PERMIT, with the following conditions:

1. That the project comply with the most recent set of plans submitted.

2. That the project comply with the requirements in the May 19<sup>th</sup> Health Dept. memo, specifically, that any foundation additions be at least 10 feet away from the septic system, and that sonotube footings must also be at least 10 feet away from the septic system components, with the exception that a footing may be as close as 5 feet to a septic tank or pump chamber as long as the footing reaches a depth in the ground equivalent to the bottom of the tank.

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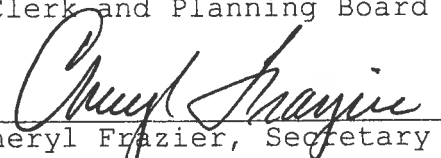
  
Jonathan Wagner, Chairman

  
Richard Fallon, Board Member

  
Suzanne Buckmelter, Alternate

Dated:

I certify that copies of this decision have been filed with the Acton Town Clerk and Planning Board on July 7, 2014.

  
Cheryl Frazier, Secretary  
Board of Appeals

This decision, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the Town Clerk that (1) 20 days have elapsed after the decision has been filed in the office of the Town Clerk and (2) either no appeal has been filed or an appeal has been filed within such time, has been recorded with the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. Any person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.